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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,832	11/15/2001	Anoop Tripathi	01-1012	7639
7590 01/08/2008 McDonnell Boehnen Hulbert & Berghoff 32nd Floor 300 S. Wacker Drive Chicago, IL 60606			EXAMINER LY, ANH VU H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/002,832

Applicant(s)

TRIPATHI ET AL.

Examiner

Anh-Vu H. Ly

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-27 is/are rejected.
- 7) ☒ Claim(s) 16,17,21,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to Applicant's Pre Brief Conference Request filed August 31, 2007. Claims 1-9 and 11-27 are pending.

### ***Claim Objections***

2. Claims 16-17, 21, 26, and 27 are objected to because of the following informalities:

With respect to claim 16, in line 6, replace "a distinct address" with --distinct addresses-- since, as recited in lines 8-9, "retrieve the announcement from **any of the distinct addresses**".

Further, in line 8, replace "the announcement" with --an announcement-- to eliminate the issue of lacking clear antecedent basis.

With respect to claim 17, in line 1, replace "the announcement" with --an announcement--.

With respect to claim 21, in line 6, replace "on the address" with --to the address--.

With respect to claims 26 and 27, in lines 1-2, replace "therein instructions for causing a processing unit" with --therein computer executable instructions for causing a computer--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (US Patent No. 6,456,601 B1) in view of Lenihan et al (US Patent No. 5,127,004). Hereinafter, referred to as Kozdon and Lenihan.

With respect to claims 1, 21, and 26, Kozdon discloses a method of multicasting announcements in a communication network (Fig. 3), the method comprising:

establishing an address in a memory (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming an announcement (Fig. 3, steps 43-44, announcements and progress tones are formed); and

broadcasting the announcement to the address (Fig. 3, step 46, music-on-hold, announcements and progress tones are broadcasted to the addresses).

Kozdon does not disclose determining when the announcement will be played to the address. Lenihan discloses that the controlling means controls the message memory to store a selected encoded announcement received through the telephonic interface circuit from a selected channel of the telephone network at a selected ones of the plurality of memory locations (col. 3, line 66 - col. 4, line 1). Further, the controller 18 downloads tones data to the message memory 16 section using the commands from the central controller 12A through the interface 24 (col. 7, lines 35-39. Herein, the central controller determines when to store the announcement or tones data to the selected memory locations of the message memory). Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to control the

storing of announcements and tones data in Kozdon's system, as suggested by Lenihan, to properly coordinate, synchronize, and store the generated tones and announcements in proper memory locations of a message memory.

With respect to claims 2 and 22, Kozdon discloses communicating the address to a device, and retrieving the announcement from the address (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses).

With respect to claims 3, 7, 18, and 23, Kozdon discloses that wherein the announcement is a tone (Fig. 3, step 44).

With respect to claims 4, 8, and 24, Kozdon discloses that wherein the tone is a call-ringing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claims 5, 9 and 25, Kozdon discloses that wherein the tone is a call-routing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claim 6, Kozdon discloses a system of multicasting announcements (Fig. 2), the system comprising:

- a caller device (Fig. 2, element 24);
- a proxy coupled to the caller device (Fig. 2, proxy 42);
- a called party device, the called party device coupled to the proxy (Fig. 2, element 34);
- an announcement server, the announcement server coupled to the proxy (Fig. 2, multicast server 10) and broadcasting selected announcements to the addresses in the memory (Fig. 3, step 46), the announcement server communicating the plurality of address to the proxy and wherein the proxy communicates an address of the plurality of addresses to the caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forwarded the addresses to the telephony-enabled devices to enable the devices to register); and wherein the caller device retrieves an announcement from the address (col. 5, lines 44-47, the telephone 24 uses CTI messages to control the playback of the call progress tones or audio deliveries to the party at telephone 34 from the proxy 40. Herein, the progress tones and audio deliveries are controlled by the address).

Kozdon does not disclose that the announcement server determining when selected announcements will be played to a plurality of addresses in a memory. Lenihan discloses that the controlling means controls the message memory to store a selected encoded announcement

received through the telephonic interface circuit from a selected channel of the telephone network at a selected ones of the plurality of memory locations (col. 3, line 66 - col. 4, line 1). Further, the controller 18 downloads tones data to the message memory 16 section using the commands from the central controller 12A through the interface 24 (col. 7, lines 35-39. Herein, the central controller determines when to store the announcement or tones data to the selected memory locations of the message memory). Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to control the storing of announcements and tones data in Kozdon's system, as suggested by Lenihan, to properly coordinate, synchronize, and store the generated tones and announcements in proper memory locations of a message memory.

With respect to claim 16, Kozdon discloses a method of multicasting announcements, the method comprising:

establishing an address (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming a plurality of announcements (col. 3, lines 64-65 and Fig. 3, a multicast server 10 for storing or creating the tones 44 or deliveries 43);

playing the plurality of announcements to a distinct address in a memory device (Fig. 3, step 46, tones and deliveries are continuously broadcasted to associated addresses); and

allowing multiple entities to retrieve an announcement from any of the distinct addresses (col. 4, lines 12-14 – telephony enabled devices within the network may obtain a particular call progress tone by registering to the specific multicast group).

Kozdon does not disclose determining when the plurality of announcements will be played to the address. Lenihan discloses that the controlling means controls the message memory to store a selected encoded announcement received through the telephonic interface circuit from a selected channel of the telephone network at a selected ones of the plurality of memory locations (col. 3, line 66 - col. 4, line 1). Further, the controller 18 downloads tones data to the message memory 16 section using the commands from the central controller 12A through the interface 24 (col. 7, lines 35-39. Herein, the central controller determines when to store the announcement or tones data to the selected memory locations of the message memory). Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to control the storing of announcements and tones data in Kozdon's system, as suggested by Lenihan, to properly coordinate, synchronize, and store the generated tones and announcements in proper memory locations of a message memory.

With respect to claim 17, Kozdon discloses that wherein the announcement being played at a particular address is switched substantially immediately to another announcement (col. 2, lines 66-67 – the ACD device can periodically select an alternate announcement from the multiplex stream, which comprising a plurality of multiplexed tones or deliveries).

With respect to claims 19, 20, and 27, Kozdon discloses an announcement server (Fig. 3, element 10) comprising:

means for initiating the broadcasting of announcements (Fig. 3, element 50 including means for multicasting signals);



means for determining an address to broadcast the announcements (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10) and means for continuously broadcasting the announcements to the address (Fig. 3, step 46, call progress tones and deliveries are continuously broadcasting to associated addresses);

means for communicating the address to a proxy (col. 5, lines 33-39 – proxies are used to receive and process call progress tones and deliveries from the server), the proxy communicating the address to a caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forwarded the addresses to the telephony-enabled devices to enable the devices to register); and

means for broadcasting the announcements to the address (Fig. 3, step 46, music-on-hold, announcements and progress tones are broadcasted to the addresses).

Kozdon does not disclose means for determining when the announcements will be played to the address. Lenihan discloses that the controlling means controls the message memory to store a selected encoded announcement received through the telephonic interface circuit from a selected channel of the telephone network at a selected ones of the plurality of memory locations (col. 3, line 66 - col. 4, line 1). Further, the controller 18 downloads tones data to the message

memory 16 section using the commands from the central controller 12A through the interface 24 (col. 7, lines 35-39. Herein, the central controller determines when to store the announcement or tones data to the selected memory locations of the message memory). Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to control the storing of announcements and tones data in Kozdon's system, as suggested by Lenihan, to properly coordinate, synchronize, and store the generated tones and announcements in proper memory locations of a message memory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant et al (US Pub 2002/0136206 A1). Hereinafter, referred to as Gallant.

With respect to claim 11, Rosenberg discloses a method for multicasting announcements, the method comprising:

determining when an INVITE message will be transmitted to a called party device and transmitting the INVITE message to the called party device (page 6, 86<sup>th</sup> paragraph – proxy NS1 attempts contact via Terminal 2 by sending an INVITE message. Herein, the INVITE message is transmitted to Terminal 2 when proxy NS1 wants to contact Terminal 2);

receiving responsively to the INVITE message, a response message from the called party device (page 6, 86<sup>th</sup> paragraph – Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing), the response message including a Real Time Protocol (RTP) destination address (herein, the provisional response must include the address of the Terminal 2); and

locating the RTP destination address (herein, response is received at the proxy) and obtaining a broadcasted an announcement from the RTP destination address (the ringing tone).

With respect to claims 12 and 13, Gallant discloses that wherein the announcement is call routing-tone and/or call ringing tone (page 6, 86<sup>th</sup> paragraph - Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing. Herein, the tone is a ringing tone or routing tone).

With respect to claims 14 and 15, Gallant discloses that wherein the response message is a “100 Trying” and/or “180 Ringing” message (page 6, 84<sup>th</sup> paragraph and 86<sup>th</sup> paragraph – “100 Trying” and “180 Ringing”).

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-9 and 11-27 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Creswell et al (US Patent No. 5,544,229) discloses system for providing personalized telephone calling features.

Hayashi (US 2001/0024965 A1) discloses mobile communication terminal and ringing method.

Gerzberg et al (US 2002/0025026 A1) discloses video phone multimedia announcement message toolkit.

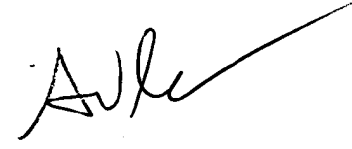
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to be 'Avl' followed by a long, sweeping horizontal stroke.

avl